



AGENDA DATE: 8/18/99

AGENDA ITEM:

*State of New Jersey*

**Board of Public Utilities**

Two Gateway Center

Newark NJ 07102

**ENERGY**

IN THE MATTER OF THE RATE )	<b><u>ORDER APPROVING MOTION</u></b>
UNBUNDLING FILINGS BY GAS )	
PUBLIC UTILITIES PURSUANT )	DOCKET NOS. GX99030121,
TO SECTION 10, SUBSECTION )	GO99030122, GO99030123,
A, OF THE ELECTRIC DISCOUNT) )	GO99030124 AND GO99030125
AND ENERGY COMPETITION ACT )	
OF 1999 ("ACT") )	

(Service List Attached)

**BY THE BOARD:**

By Order Establishing Procedures dated March 17, 1999, in Docket No. GX99030121("March 17th Order"), the Board established a procedural schedule and filing requirements for a gas rate unbundling proceeding, pursuant to Section 10 (a) of the "Electric Discount and Energy Competition Act" ("the Act"), P.L. 1999, c.23. Said order noted that the Board will establish a specific hearing schedule for both generic policy and methodological issues, as well as company specific issues.

On August 6, 1999, the Division of the Ratepayer Advocate (DRA) filed a motion to the extend the date of the DRA's surrebuttal testimony until September 14, 1999.

The DRA indicates that analyzing the rebuttal testimonies for the gas distribution companies (GDCs) and preparing surrebuttal testimonies for the four GDCs will require more than the four business days designated under the current schedule. The DRA argues that the current schedule for surrebuttal is particularly unfair in light of the GDCs' five week time frame to prepare their rebuttal testimonies. The DRA also argues that the inadequacy of the GDCs' initial filings delayed the discovery process. the RDA also indicated that the GDCs have not provided the information required by

the Board in its Order of Clarification dated June 24, 1999.

### **PSE&G Response**

In response to the DRA's motion, Public Service Electric and Gas (PSE&G) indicated that it has responded to the DRA's written requests within the Board specified period. PSE&G noted that while it has filed unbundling testimony on May 1, 1999 in accordance with the Board's March 17, 1999 Order Establishing Procedures, the DRA failed to file its testimony on its July 22, 1999 deadline, but belatedly served it on the Company on July 26, 1999. However, PSE&G stated that it would not oppose the DRA's request if the date of the start of the hearings is extended from September 9, 1999 to September 16 and the end date for the hearings from September 22, 1999 to September 29, 1999.

### **Elizabethtown Response**

Elizabethtown Gas Company (Elizabethtown) indicated that it does not object to the DRA's request provided that the hearings do not commence before September 16, 1999. Elizabethtown requested that it should be provided at least one day to review the surrebuttal testimony prior to the commencement of hearings.

Nevertheless, Elizabethtown objects to the DRA's characterization of Elizabethtown's filing and responses to discovery in this proceeding, indicating that Elizabethtown's filing has complied with the requirements of the Act and the Board's orders concerning the implementation of the Act. Elizabethtown also indicated that it has responded to all timely propounded discovery as soon as possible and completed its discovery responses well in advance of the due date for the DRA's testimony.

### **Discussion**

The Board, having reviewed the submissions and Staff recommendation, **HEREBY FINDS** that extending the surrebuttal filing from September 7, 1999 to September 14, 1999 is reasonable and will provide the RDA and other intervenors sufficient time to

review and evaluate the rebuttal testimonies of the four gas distribution companies. Accordingly, the Board **HEREBY APPROVES** the RDA motion extending the filing of surrebuttal testimony to September 14, 1999.

In Addition, the Board sets the following hearings dates for this proceeding: September 13, 14, 16, 17, 27, 28 and 30; October 1, 4, 5, 6, 7 & 8, 1999.

Furthermore, the Board **HEREBY AUTHORIZES** the Advising Deputy Attorney General to convene a prehearing conference to establish the conduct of the hearings.

DATED: 8/18/99

BOARD OF PUBLIC UTILITIES  
BY:

\_\_\_\_SIGNED\_\_\_\_  
HERBERT H. TATE  
PRESIDENT

\_\_\_\_SIGNED\_\_\_\_  
CARMEN J. ARMENTI  
COMMISSIONER

\_\_\_\_SIGNED\_\_\_\_  
FREDERICK F. BUTLER  
COMMISSIONER

ATTEST: \_\_\_\_SIGNED\_\_\_\_  
MARK MUSSER  
SECRETARY